(2009) 04 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

Chandrakant B. Koyande APPELLANT

Vs

I.A.S.P.M. (Sb/Nss) Mukhya Dak Ghar P.O. Mumbai RESPONDENT

Date of Decision : 30-04-2009

Acts Referred:

Citation : 2009 3 CPJ 24

Hon'ble Judges : B.N.P.SINGH , P.D.SHENOY J.

Advocate : BRAJESH PANDEY

Judgement

1. WE have the learned Counsel for the revision petitioner. The petitioner had opened a Monthly Income Scheme (MIS) account in the post office by investing an amount of Rs. 14 lakh. At the relevant point of time the individual limit was Rs. 3 lakh and the joint account limit was Rs. 6 lakh. Accordingly, there was an excess investment to the tune of Rs. 8 lakh. The post office did not give the benefit of the interest beyond the limit prescribed by the Government/ Department of Post. Accordingly, the complainant who is the revision petitioner before us filed a consumer complaint before the District Forum, which was dismissed.

2. AGGRIEVED by the order of the District Forum, the complainant filed an appeal before the State Commission. The State Commission on a reappraisal of the facts and evidence before it partly allowed the appeal and passed the following order: 1. Appeal is partly allowed.

2. The impugned dismissal order is hereby quashed and set aside.

3. The complaint filed by the org. complainant is partly allowed.

4. The respondents are hereby directed to refund the principal amount of Rs. 6,00,000 with admissible rate of interest prevalent at the relevant time for admissible period.

5. The respondents are further directed to refund Rs. 8,00,000 to the appellant together with the admissible postal saving bank rate from the date of investment

till 10.3.2005 and further interest at the same rate for admissible legal period.

6. No order as to costs.

3. DISSATISFI ED by the order of the State Commission, the revision petitioner has filed this revision petition before us. Learned Counsel for the petitioner submits that though he had invested the amount in the year 2003, the post office has informed about the excess deposit only two years later and hence, there is deficiency in service, for which he requires to be compensated. The case relating to the excess deposit in the post office and the rules governing the same especially the Post Office (Monthly Income Account) Rules, 1987. This Commission in a catena of judgments held that if the deposit made is against the rules, the postal authorities are not liable to pay interest at the MIS scheme rate. This Commission has held that for the excess amount deposited the consumer should be compensated by paying interest @ post office savings bank rate. In this connection it is worthwhile to draw inspiration from the judgment of our Commission in Union of India and Others v. Girija Agarwal (Smt.) and Ors., I (2007) CPJ 196 (NC). As the ratio of the case is squarely applicable to the case under consideration, we are not persuaded to interfere with the well reasoned order of the State Commission. Therefore, this revision petition is dismissed. However, there shall be no order as to cost. R.P. dismissed.

